IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO.34 OF 2004

The Commissioner of Income-tax, Central-I, Mumbai .. Appellant.
V/s.
M/s.Underwater Services Co. Pvt. Limited .. Respondent.

Mr.R.V. Desai, senior counsel with Mr.R. Asokan for the petitioner.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.

DATED : 1ST MARCH, 2005.

P.C. :

Heard learned counsel for the appellant. Perused the order of the Income Tax Appellate Tribunal dated April 21, 2003. The questions sought to be raised in this appeal is whether the Tribunal erred in holding that the deletion of addition of Rs.46,01,520/- made on salvage operation expenses was wrong ?

2. The Tribunal has allowed the said expenditure following the decision of earlier assessment year. The learned counsel for the revenue is unable to state whether the revenue has challenged the orders of assessment for the assessment years 1986-1987, 1987-1988 and 1988-1989. Even otherwise the expenditure of salvage operation expenses is whether

allowable deduction or not is a finding of fact and, therefore, we find no substantial question of law involved in this appeal.

3. The Income Tax Appeal is, therefore, dismissed.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)